

### REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application. Claims 1-2, 5-22 and 26-32 are currently pending in this application. Claims 3-4 have been cancelled. Claims 12-22 and 26-31 have been withdrawn from further consideration. No new matter has been added by way of the present amendment. For instance, claim 1 has been amended to incorporate the limitations of previously presented claim 4. Accordingly, no new matter has been added.

At the outset, the present application is believed to be in condition for allowance. Entry of the accompanying amendment is requested under 37 C.F.R. §1.116, as the amendment does not raise any new issues which would require further search and/or consideration by the Examiner. Furthermore, Applicants request entry of this amendment in order to place the claims in better form for consideration on Appeal.

In view of the amendments and remarks herein, Applicants respectfully request that the Examiner withdraw all outstanding rejections and allow the currently pending claims.

#### Issues under 35 U.S.C. 102(e)

Claims 1, 2, 9 and 11 stand rejected under 35 U.S.C. 102(e) as anticipated by Chino (U.S. 2004/0027056) (hereinafter "Chino"). Applicants respectfully traverse.

The Examiner asserts that Chino discloses an active matrix display device having a plurality of thin film transistors disposed in a matrix on an insulating substrate, and wiring connected to these thin film transistors, wherein the active matrix display device comprises a flattening layer surrounding wiring, and wherein a surface of the wiring and a surface of the flattening layer form substantially the same plane. The Examiner further asserts that Chino

discloses that the active matrix display device additionally comprises an interlayer insulating film on the plane formed by the surface of the wiring and the surface of the flattening layer.

Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of anticipation. Claim 1 has been amended to incorporate the limitations of previously presented claim 4, which is not anticipated by Chino. As such, amended claim 1 and dependent claims thereof cannot possibly be anticipated by this reference.

Reconsideration and withdrawal of this rejection are respectfully requested.

Issues Under 35 U.S.C. § 103(a)

Claims 3-10 and 32 stand rejected under 35 U.S.C. 103(a) as being obvious over Chino in view of various secondary references. Applicants respectfully traverse.

Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, the Examiner must make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966). “[T]he examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of unpatentability.” *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int’l Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007). There must be a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. *Id.* The Supreme Court of the United States has recently held that the “teaching, suggestion, motivation test” is a valid test for obviousness, albeit one which cannot be too rigidly applied. *Id.* “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements;

instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.* (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

The present invention is directed, *inter alia*, to an active matrix display device wherein a surface of wiring connected to thin film transistors and a surface of a flattening layer surrounding said wiring form substantially the same plane (see, e.g., claim 1). The present active matrix display device comprises an interlayer insulating film formed on the plane formed by the surface of said wiring and the surface of said flattening layer, and further comprises a pixel electrode on said interlayer insulating film (see, e.g., claim 1). As a result of its novel characteristics, the claimed active matrix display device has a flat structure with no level different shape. As such, it is possible to obtain an excellent display with less degradation of display elements. Further, the pixel electrode can be enlarged (see paragraph [0032] of the original specification).

The present claims also require that the flattening layer in the active matrix display device is formed of a photosensitive resin composition (see, e.g., claim 1). Since the active matrix display device according to the present invention comprises a flattening layer (see reference numerals 30 and 32 in Fig. 1) which is formed of a photosensitive resin composition (see also Paragraph [0050] of the original specification), it is possible to obtain a structure in which the surface of the wiring and the surface of the flattening layer (30 and 32) form substantially the same plane (see paragraph [0053] of the original specification) even if an insulating substrate (10) having a flat surface is used. Chino, alone or in combination with any of the secondary references cited, fails to teach or suggest an active matrix display device as claimed.

Chino discloses an electro-optical device comprising a substrate 2, a first interlayer insulating film 9, a data line 37, a second interlayer insulating film 59, and a pixel electrode 20.

The second interlayer insulating film 59 and the pixel electrode 20 are sequentially formed on the plane formed by the surface of the data line 37 and the surface of the first interlayer insulating film 9. The substrate 2 comprises concave portions 10, 11 and 12, corresponding to the positions of the switching element 5, the lower electrode 7 and the first interlayer insulating film 9 (see paragraph [0051] of Chino).

However, Chino neither discloses nor suggests that the first interlayer insulating film 9 itself is formed of a photosensitive resin composition which can be subjected to a patterning process in order to obtain the flattening layer (see reference numerals 30 and 32 in Fig. 1 of the present specification; see also paragraph [0050]). The secondary references fail to cure the deficiencies of Chino, as they all fail to teach or suggest an active matrix display device as claimed.

The Examiner takes the position that the secondary reference of Furusawa “teaches an analogous flattening layer as a photosensitive resin composition comprising an inorganic substance (Furusawa: element 20 Paragraphs [0082], [0083])” (see page 4 of Office Action). The Examiner argues that “[o]ne would have been motivated to form the flattening layer as proposed to enable forming of an insulating layer preventing deterioration of the thin film transistor and according to conventional means (Paragraphs [0082], [0083])” (emphasis added). Applicants respectfully disagree and submit that there is no rational underpinning to support the legal conclusion of obviousness, since the skilled artisan would not have been motivated to combine and modify the references as proposed.

In order to prevent the deterioration of the characteristics of the thin film transistor T (see the last two lines of Paragraph [0083] of Furusawa), Furusawa employs a colored layer 120 provided below a non-colored layer 121. As explicitly disclosed by Furusawa, since the colored

layer 120 is provided below the non-colored layer 121, when ultraviolet ray irradiation is performed, "the ultraviolet ray irradiation rarely approaches the channel region of the thin film transistor T" (see paragraph [0083] of Furusawa). In Furusawa, use of a polyimide precursor of an ultraviolet curing material (see paragraph [0082]) is not in any way related to solving the problem of deterioration of the characteristics of the thin film transistor T due to ultraviolet ray irradiation. Thus, Applicants submit that there is no motivation to combine Furusawa's polyimide precursor of an ultraviolet curing material (paragraph [0082] of Furusawa) with the device of Chino.

Moreover, Chino neither discloses nor suggests ultraviolet ray irradiation. Therefore, Chino does not face deterioration of the characteristics of the thin film transistor due to the ultraviolet ray irradiation. The skilled artisan simply would not have combined the cited references as proposed.

In view of the above, reconsideration and withdrawal of this rejection are respectfully requested.

### Conclusion

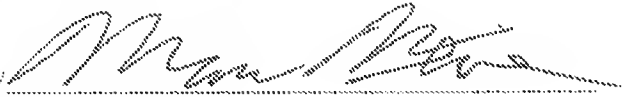
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and objections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Vanessa Perez-Ramos, Registration No. 61158 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

By 

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